

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

STEVE GLOVER

VS.

**MICHAEL T. TROMMELEN
AND
JOY GLOBAL, INC.**

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CIVIL ACTION _____

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

A. PARTIES

1. Plaintiff, STEVE GLOVER, is an individual that is a citizen of the State of Texas residing in Harrison County, Texas.
2. Defendant, MICHAEL T. TROMMELEN, is an individual that is a citizen of Calgary, Alberta. Defendant may be served with process at his residence: 189 Hampton Link NW, Calgary, Alberta T3A5V9 or his place of employment: Mine Air Systems, Bay 10, 2256 - 29th Street NE Calgary, Alberta T1Y 7G4. Service of said Defendant will be served by private process.
3. Defendant, JOY GLOBAL, INC., is a Wisconsin corporation that is incorporated under the laws of the State of Delaware. Defendant has its principal place of business in the State of Wisconsin. Defendant does not have a registered agent for service of process in the State of Texas. Defendant may be served with process by serving its registered agent, CT Corporation System, 8020 Excelsior Drive, Suite 200, Madison, Wisconsin 53717.

B. JURISDICTION AND VENUE

4. Plaintiff is a resident of the State of Texas, and more particularly the Eastern District of Texas. Defendants, MICHAEL TROMMELEN, is a resident of Calgary, Alberta and JOY

GLOBAL, INC. is a corporation in the State of Wisconsin, thereby creating a diversity of citizenship between Plaintiff and Defendants. The amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00. This Court has jurisdiction of this action under 28 U.S.C., § 1332, and venue is proper herein under 28 U.S.C., § 1391 because the cause of action accrued within the Eastern District of Texas.

C. FACTS

5. On or about May 11, 2013, Plaintiff was westbound on in the inside lane on East Marshall Avenue in Longview, Texas driving a 2013 Victory Cross Country Tour motorcycle when Defendant Trommelen made a left turn on a red light into the path of Plaintiff's motorcycle, causing Plaintiff's motorcycle to impact the right front of Defendant Trommelen's vehicle and to be thrown from his motorcycle over the car onto the pavement.

D. CAUSE OF ACTION: NEGLIGENCE

6. At the time and place in question, the Defendant Trommelen was operating the his vehicle negligently by:

- a. Failing to maintain a proper lookout.
- b. Failure to yield the right of way, turning left.
- c. Failure to obey a traffic control device.
- d. Entering the intersection when it was unsafe to do so.

E. RESPONDEAT SUPERIOR

7. At the time of the collision in question, the Defendant Trommelen was in the course and scope of his employment with the Defendant, Joy Global, Inc. Plaintiff therefore invokes the doctrine of *respondeat superior*.

F. DAMAGES

8. As a proximate result of the collision, Plaintiff suffered severe personal injuries because of negligence of Defendant Trommelen. Specifically, she has suffered:

- a. Past and future physical pain and mental anguish, meaning the conscious physical pain and emotional pain, torment and suffering, experienced by STEVE GLOVER as a result of the occurrence in question;
- b. Medical expenses, meaning the medical expenses which have been incurred by STEVE GLOVER in the past, and which will in reasonable probability be incurred in the future;
- c. Disfigurement and physical impairment, both past and future;
- d. Loss of earning capacity; and
- e. Lost earnings.

All damages were the proximate result of the negligence of Defendant Trommelen.

PRAYER

9. Plaintiff respectfully pray that on final trial of this cause, Plaintiff have judgment for his damages against Defendants, pre-judgment and post-judgment interest as provided by law, costs of suit, and such other and further relief at law and in equity to which Plaintiff may show himself justly entitled.

Respectfully Submitted,

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ATTORNEY FOR PLAINTIFF

PLAINTIFF HEREBY DEMAND TRIAL BY JURY